IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 19655 of 2004

Between:

P.V.D. Kalicharan, S/o Prabhakar Sharma,
R/o H.No. 6-1-28, Shivarampally, Rajendranagar Municipality, Ranga Reddy District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep. by its Secretary,
Endowment Department, Secretariat, Hyderabad.
2 Commissioner of Endowments, Andhra Pradesh, Hyderabad.
3 Hyderabad Urban Development Authority, Rep. by its Vice Chairman, Begumpet, Hyderabad.
4 Rajendranagar Municipality, rep.by its Commissioner,
Ranga Reddy District.
5 Sarvodaya Trust (Gram Seva Kendram), rep. by its

Managing Trustee, Sri MTRK Saboo,
Sivarampally, Rajendranagar Mandal, Ranga Reddy District, Office at 3-5-5/6, Eden Garden,
Ramkoti, Hyderabad - 500 001.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ declaring that the lands of the 5th respondent trust situated in Sy.Nos. 2 to 4, 34, 35, 37, 39. 40 and 41 of Sivarampally village and Sy.No. 38 and 39 of Kattedan Village, Rajendranagar Mandal, Ranga Reddy District cannot be alienated except in accordance with Section 80 and 81 of the A.P. Charitable and Hindu Religious Institutions and Endowment Act, 1987 (Act No.30 of 1987) and consequently direct the 5th respondent and its trustees from alienating the lands of the said charitable trust without compliance of the said provisions of law and grant such other relief as it deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.V.VENKATARAMANA

Counsel for the Respondent Nos.1 and 2: GP FOR ENDOWMENTS

Counsel for the respondent No.3: MR. B. VISWANATH REDDY.

Counsel for the respondent No.4: MR. POLISETTI RADHAKRISHNA.

Counsel for the respondent No.5: MR. MR. Y.N. VIVEKANANDA.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1. Petitioner, claiming to be a social worker, filed this writ petition questioning the action of 5th respondent – Trust in transferring the Trust property, on various grounds. After notice, 4th and 5th respondents have filed separate affidavits questioning the locus standi of the petitioner and also alleging mala fides. 5th respondent in the counter-affidavit has stated that his enquiries revealed that address given by the petitioner in the cause title is false, no person by name of P.V.D. Kalicharan resides in the premises and that the said name is invented for the purpose of filing the present writ petition. One G. Srinivas, who claims to be the President of Praja Prayojana Sangam, a Society registered under Societies Registration Act, had filed W.P.No.15755 of 2004 seeking practically the same relief. The said writ petition was dismissed by this Court on 07.09.2004. The said Srinivas is inimically disposed towards the trustees of 5th respondent as they had tried to prevent the illegal activities of the said person, like making encroachments on the property. It is also stated that in the proceedings initiated by 5th respondent before this Court, Chandraiah, S/o late V. Ramulu, brother-in-law of Srinivas, was sentenced to suffer imprisonment for willfully violating the orders of this Court. 5th respondent had filed W.P.No.13704 of 2003 and C.C.No.1170 of 2003 on the file of this Court. In this background, we had called upon the petitioner to remain present in the Court today. Needles to say that this writ petition was filed on 25.10.2004.

2. Learned counsel for the petitioner states that whatever contact numbers are given to him, he conveyed the message for appearance of the petitioner today. Neither he is in a position to file reply to the counter-affidavits as directed nor petitioner is present in Court.

3. In the circumstances aforementioned, we have no option but to say that this is a mala fide petition filed by the petitioner and would proceed to dismiss the same with costs quantified at Rs.10,000=00 (Rs. Ten thousand only) to be deposited with A.P. State Legal Services Authority, High Court Premises,

Hyderabad.

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DEVINDER GUPTA. C.J.,

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B. SESHASAYANA REDDY. J.,

Dated: 14.02.2005.

VRK.

To

1 The Secretary to Government,
Endowments Department, Secretariat, Hyderabad.
2 Commissioner of Endowments, Andhra Pradesh, Hyderabad.
3 The Vice-Chairman, Hyderabad Urban Development
Authority, Begumpet, Hyderabad.
4 The Commissioner, Rajendranagar Municipality,
Ranga Reddy District.

5. Two CCs to G.P., for Endowments, High Court Buildings, Hyderabad (OUT).

6. The Member Secretary, A.P. State Legal Services Authority, High Court Premises, Hyderabad.

7. Two CD copies.

HON’BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.

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W.P.NO. 19655 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 14.02.2005.